

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to mandatory reporting training and treatment programs in correctional facilities and providing an opportunity for public comment

The Public Health Department hereby proposes to amend Chapter 155, “Licensure Standards for Substance Use Disorder and Problem Gambling Treatment Programs,” and to rescind Chapter 156, “Licensure Standards for Substance Abuse Treatment Programs in Correctional Facilities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 125.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 125.13 and 2019 Iowa Acts, House File 731.

Purpose and Summary

The proposed amendments will increase the frequency of training for mandatory child abuse and dependent adult abuse reporters from once every five years to once every three years. Additional amendments include separating the child abuse identification and reporting training from the dependent adult abuse identification and reporting training with which it is currently combined. Each training is required to be of two hours’ duration. If the person receiving training completes one hour of additional child abuse identification and reporting training and one hour of additional dependent adult abuse identification and reporting training prior to the expiration period, the person shall be deemed in compliance with the training requirements for an additional three years. The proposed amendments permit an employer of a staff person subject to the training requirements to provide supplemental training in addition to the core training. There will be a transition provision for persons who received the child abuse or dependent adult abuse identification and reporting training certificate prior to July 1, 2019.

Chapter 156 is proposed to be rescinded since substance abuse treatment is no longer being provided in correctional institutions. Community-based correctional facilities continue to provide licensed substance use disorder treatment services and currently adhere to Chapter 156. Following the rescission of Chapter 156, any community-based corrections facility providing substance use disorder treatment services will be required to adhere to Chapter 155.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver and variance provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Deann Decker
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: deann.decker@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend paragraph **155.21(9)“d”** as follows:

d. A staff person providing screening, OWI evaluation, assessment or treatment in accordance with this chapter shall complete two hours of ~~training on~~ child abuse identification and reporting of ~~child abuse training and two hours of~~ dependent adult abuse identification and reporting training within six months of initial employment and at least two hours of additional child abuse identification and reporting training and two hours of additional dependent adult abuse identification and reporting training every ~~five~~ three years thereafter. If the staff person completes at least one hour of additional child abuse identification and reporting training and one hour of additional dependent adult abuse identification and reporting training prior to the three-year expiration period, the staff person shall be deemed in compliance with the training requirements for an additional three years. An employer of a staff person subject to these requirements may provide supplemental training, specific to identification and reporting of child abuse or dependent adult abuse as it relates to the person’s professional practice, in addition to the core training provided. A training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

ITEM 2. Rescind and reserve **641—Chapter 156.**